

**Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.**

1 State of Arkansas  
2 83rd General Assembly  
3 Regular Session, 2001

# A Bill

HOUSE BILL 1182

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5 By: Joint Budget Committee  
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## For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES  
10 AND OPERATING EXPENSES FOR THE ARKANSAS BOARD OF  
11 HEARING INSTRUMENT DISPENSERS FOR THE BIENNIAL PERIOD  
12 ENDING JUNE 30, 2003; AND FOR OTHER PURPOSES.  
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## Subtitle

15 AN ACT FOR THE ARKANSAS BOARD OF  
16 HEARING INSTRUMENT DISPENSERS APPROPRIATION  
17 FOR THE 2001-2003 BIENNIAL PERIOD.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. EXTRA HELP. There is hereby authorized, for the Arkansas Board  
24 of Hearing Instrument Dispensers for the 2001-2003 biennium, the following  
25 maximum number of part-time or temporary employees, to be known as "Extra  
26 Help", payable from funds appropriated herein for such purposes: one (1)  
27 temporary or part-time employees, when needed, at rates of pay not to exceed  
28 those provided in the Uniform Classification and Compensation Act, or its  
29 successor, or this act for the appropriate classification.  
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31 SECTION 2. APPROPRIATIONS - CASH. There is hereby appropriated, to the  
32 Arkansas Board of Hearing Instrument Dispensers, to be payable from cash funds  
33 as defined by Arkansas Code 19-4-801 of the Arkansas Board of Hearing  
34 Instrument Dispensers, for personal services and operating expenses of the  
35 Arkansas Board of Hearing Instrument Dispensers for the biennial period ending  
36 June 30, 2003, the following:

ITEM NO.	FISCAL YEARS	
	2001-2002	2002-2003
(01) EXTRA HELP	\$ 14,000	\$ 14,000
(02) PERSONAL SERV MATCHING	1,071	1,071
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	9,344	9,344
(B) CONF. & TRAVEL	0	0
(C) PROF. FEES	700	700
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	0	0
TOTAL AMOUNT APPROPRIATED	<u>\$ 25,115</u>	<u>\$ 25,115</u>

SECTION 3. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL, AND TEMPORARY LAW. LEASING FROM STATE BUILDING SERVICES. The Board of Hearing Instrument Dispensers shall be exempt from Arkansas State Building Services Leasing jurisdiction and procedures as set out in Arkansas Code 22-2-114.

The provisions of this section shall be in effect only from July 1, 2001 through June 30, 2003.

SECTION 4. EMPLOYMENT OF ATTORNEYS. None of the funds appropriated in this Act for Maintenance and General Operation shall be expended in payment for services of attorneys, unless the agency shall first make a request in writing to the Attorney General of the State of Arkansas to provide the required legal services. The Attorney General's Office shall provide the requested legal services, or, if the Attorney General's Office shall determine that sufficient personnel are not available to provide the requested legal services, the Attorney General shall certify the same to the agency and may authorize the agency to employ legal counsel and to expend monies appropriated for Maintenance and General Operations therefor, if:

- (1) The Attorney General determines, and certifies in writing, that such agency needs the advice or assistance of legal counsel, and
- (2) The Attorney General consents in writing to the employment of the

1 legal counsel to be retained by the agency.

2 Such certification shall be required with respect to each instance of the  
3 employment of special legal counsel, or shall be required annually with  
4 respect to legal counsel employed on a retainer basis. A copy of such  
5 certification shall be entered in the official minutes of the agency, and  
6 shall be retained in the fiscal records of the agency for audit purposes.

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8 SECTION 5. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED  
9 SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND BALANCES. (A) For all  
10 appropriations as provided in this Act, the agency disbursing officer shall  
11 monitor the level of fund balances in relation to expenditures on a monthly  
12 basis. If any proposed expenditures would cause a fund balance to decline to  
13 less than fifty percent (50%) of the balance available on July 1, 2001, the  
14 disbursing officer shall immediately notify the executive head of the agency.

15 Prior to any obligations being made under these circumstances, the agency  
16 head shall file written documentation with the Chief Fiscal Officer of the  
17 State requesting approval of the expenditures. Such documentation shall  
18 provide sufficient financial data to justify the expenditures and shall  
19 include the following:

- 20 1) a plan that clearly indicates the specific fiscal impact of such  
21 expenditures on the fund balance.
- 22 2) information clearly indicating and explaining what programs would be cut or  
23 any other measures to be taken by the agency to restore the fund balance.
- 24 3) the extent to which any of the planned expenditures are for one-time costs  
25 or one-time purchase of capitalized items.
- 26 4) a statement certifying that the expenditure of fund balances will not  
27 jeopardize the financial health of the agency, nor result in a permanent  
28 depletion of the fund balance.

29 (B) The Chief Fiscal Officer of the State shall review the request and  
30 approve or disapprove all or any part of the request, after having sought  
31 prior review by the Legislative Council.

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33 SECTION 6. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by  
34 this act shall be limited to the appropriation for such agency and funds made  
35 available by law for the support of such appropriations; and the restrictions  
36 of the State Purchasing Law, the General Accounting and Budgetary Procedures

1 Law, the Revenue Stabilization Law, the Regular Salary Procedures and  
2 Restrictions Act, or their successors, and other fiscal control laws of this  
3 State, where applicable, and regulations promulgated by the Department of  
4 Finance and Administration, as authorized by law, shall be strictly complied  
5 with in disbursement of said funds.

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7 SECTION 7. LEGISLATIVE INTENT. It is the intent of the General Assembly  
8 that any funds disbursed under the authority of the appropriations contained  
9 in this act shall be in compliance with the stated reasons for which this act  
10 was adopted, as evidenced by the Agency Requests, Executive Recommendations  
11 and Legislative Recommendations contained in the budget manuals prepared by  
12 the Department of Finance and Administration, letters, or summarized oral  
13 testimony in the official minutes of the Arkansas Legislative Council or Joint  
14 Budget Committee which relate to its passage and adoption.

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16 SECTION 8. EMERGENCY CLAUSE. It is found and determined by the General  
17 Assembly, that the Constitution of the State of Arkansas prohibits the  
18 appropriation of funds for more than a two (2) year period; that the  
19 effectiveness of this Act on July 1, 2001 is essential to the operation of the  
20 agency for which the appropriations in this Act are provided, and that in the  
21 event of an extension of the Regular Session, the delay in the effective date  
22 of this Act beyond July 1, 2001 could work irreparable harm upon the proper  
23 administration and provision of essential governmental programs. Therefore, an  
24 emergency is hereby declared to exist and this Act being necessary for the  
25 immediate preservation of the public peace, health and safety shall be in full  
26 force and effect from and after July 1, 2001.